

# To the Right Reuerend and Right Honourable, the Lords Spirituell and Temporall Assembled in the High Court of Parliament.

## An Abstract of the Greeuances of John Wood, against the Right Honourable William Earle of Derby: And others.

With his humble Petition to this most Honourable Assembly.



**W**illiam Earle of Derby, demised the Mannor of Northwich, 7. Octob. 39. Eliz. to Thomas Harper, for three liues. Harper, assignes this Lease to Edward Wood, 11. Ian. 40. Eliz. for 380. li. in hand payed by Wood. After this purchase, one Edward Marberry makes claime to the Mannor, by Assignment of a Lease formerly granted by the saide Earle to one Doughty for three liues: For which, Wood was forced to compound, and gaue Marberry great summes of money, to haue the same assigned to James Wood and his two sonnes, Francis and John Wood. Edward Wood enioyes the Mannor peaceably during his life; and by his last Will gaue the same vnto Francis and John Wood.

Francis and John Wood, were ioynly in quiet possession of the same Mannor, vntill John Bourne sued them for an annuity of 45. li. per annum: which he without any right vnconscionably pretended to be due to him by a grant from Edward Wood. Bourne sayling of his purpose, combined with one Robinson and Leftwich, and others, to excite the Earle to re-enter into the Mannor, for non-payment of 15. li. being one halfe yeares rent.

The Earle makes a Lease to one Halsall in Octob. 7. Ia. Re. of the premisses. Halsall commenceth suite against Harmer, and the other Tenants of Francis and John Wood, for triall of the title, insisting chiefly vpon these two strict points in Law (contrary to all equity.) First that the rent was not tendred vntill the sun was downe: and then, not in the proper place limited. But these were but false and colourable shadowes, as shall euidently appeare, had the Earle not fortified his claime, by his owne power and greatnesse, more then by right.

For the Earle being Chamberlaine of the Count Palatine of Chester, where the suite depended, by order of the Court, prohibited the Tenants to pay any money, that was or should grow due for Rent, to Francis and John Wood; thereby to disable them to defend the iustice of their cause, they hauing no meanes to relecue themselves, but what should arise out of the profit of the saide Mannor, being both of them Orphanes and Apprentises in London, and the petitioner John Wood, an infant vnder age.

Bourne being a Counsellor, prosecuted them still with multiplicity of suites.

And the Earle being Iudge of the Court as aforesaide, stopt all proceedings that tended to his preiudice, and the aduancement of the petitioner, and his brothers iust title, and made such orders as might most disable the two Woods, and strengthen his Lordships vnconscionable claime.

Yet by all these practises, the Earle could neuer euiet the Mannor, but extorted it out of the petitioners handes, by compounding with John Bourne and Francis Wood the petitioners brother, who deliuered in the Leases and Assignments vnto the Earle, for a small summe of money, of which Bourne had the greatest part.

### Reasons why the Petitioner John Wood should be releued in this High and most Honourable Court.

First, the Earle was not to re-enter, vnlesse there wanted sufficient distresse to be taken vpon the Mannor for the Rent. That there was 500. li. in goods liable to distresse then vpon the Mannor, shalbe proued, so the Lease not forfeited.

Wood had two Leases, one for the three Doughties liues in esse, the other for the three Harpers in reuerfion; so if Doughties Lease were forfeited, Harpers must needs be on foote, for that in reuerfion could not be forfeited.

For the non-tender of the mony before the sun was down, Edward Wood lay then vpon his death-bed, a prisoner in London, at the suit of Bourne: yet he was so prouident, as he sent from thence to haue the mony payed by one Rowe, who in a floode was almost drowned, yet came vpon the very day to Northwich, and the mony was tendred though late; and often after proffered to the Earle.

For the place, it could not be there tendred, for that Winnington that kept the keyes of the Towne-house, was by Robinson the Earls man, sent purposely out of Towne, as Winnington vpon his death-bed confessed, most earnestly beseeching the two Woods to forgiue him: and Robinson for his good seruice done, had the Bailwicke of the Towne giuen him.

The Earle was once honourably pleased, vpon surrender of the old Leases, to grant a new Lease to James, Francis, and John Wood the petitioner; but by his Lordships Countesse and by the practise of Bourne, his Lordship was disswaded.

The release made by Bourne and Francis Wood, could not preiudice the petitioners title to the moiety of the Mannor.

No equity to lose 700. li. paid for the Leases, and 200. li. spent in suite, for non-payment of 15. li. 700. li. of the 900. li. hauing bin forborne 23. yeares.

All the Harpers and the Doughties are yet liuing. So the moiety of the Mannor of necessity belongs to the petitioner.

Lastly, for that by his Brothers deliury in of the Leases and assignments to the said Earle, and the combination of Bourne, the petitioner is barred of all helpe in Law, or releefe in Chancery.

### The Petitioners most humble request, is:

For that he hath not meanes in respect of his extreame poverty, to pay the Fees to the speaker, and the other Officers, That your Lordships will honourably vouchsafe, to giue order, that his Bill may be read: And when by your honourable censures he shall be enabled, and his right by Act of Parliament restored, he will gladly satisfie all fees, and gratefully acknowledge the fauour in forbearance.

The lease is 120. li. per annum, cleare profit, the rent to the cheefe Lord discharged. the moiety whereof, with the arrerages this 12. yeares wrongfully detained, the Petitioner humbly requires.

The Petitioner doth beseech the Lord of all Lords, to crowne you all with eternall Honor.

Derby

Wood

Chester